

Notice of Allowability

Application No.

09/608,549

Examiner

Thomas Duong

Applicant(s)

TIWANA ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 February 2006.
2. ☒ The allowed claim(s) is/are 1-2, 4-8, 11-20, 22, 24-26, 28-32, and 34-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JASON CARDONE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Arguments

1. The Applicants' arguments and amendments filed on February 28, 2006 have been fully considered and are persuasive.

Allowable Subject Matter

2. *Claims 1-2, 4-8, 11-20, 22, 24-26, 28-32, and 34-41* are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.

3. The following is an examiner's statement of reasons for allowance:

As presented in the previous office action, Li (US005634125A) discloses *of a method for data redistribution process for adding a new node to a database system wherein a portion of the buckets of data for each existing node redistributes to the new node and* Dreszer (US006442661B1) discloses *of a method for allocating only portions of the available memory as necessary or when requested and adjusting the unallocated or the still available memory accordingly*. However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for *"slowly assigning a portion of the full bucket allocation that was determine at startup without redistributing the total buckets among the cache systems, including the new cache system, unless the cache cluster is operating at a maximum load"* and in combination with other limitations as set forth in the independent claims. In addition, the Applicants

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argue that Li and Dreszer fail to teach or suggest *"a slow start process, where portions of the full bucket allocation are slowly assigned or shed for a new cache system without performing re-distribution of such buckets, in the manner claimed"* (Remark, col.3, pg.15). According to the Applicants, *"in embodiments of the present invention, the full bucket allocation is slowly assigned or slowly backed-off (shed) from the new cache system until the new cache system is capable of handling the full bucket allocation that was determined during the distribution of the total buckets of the cache cluster at startup of the new cache system"* (Remarks, col.2, pg.15).


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

March 17, 2006



Jason D. Cardone

Supervisory PE (AU2145)